

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In Re: ) Case No. 19-45962-659  
)  
Christopher & Brittney )  
Robotham, ) Chapter 13  
)  
Debtors-Movants, ) Debtors' Motion to Retain  
) Settlement Funds  
vs. )  
)  
DIANA S. DAUGHERTY., ) Motion # \_\_\_\_\_  
Respondent. )

**DEBTORS' MOTION TO APPROVE SETTLEMENT AND TO RETAIN SETTLEMENT  
FUNDS**

PLEASE TAKE NOTICE: ANY RESPONSIVE PLEADING IN OPPOSITION  
MOTION/PLEADING MUST BE FILED IN WRITING NO LATER THAN TWENTY-  
ONE (21) DAYS FROM THE DATE OF SERVICE OF THIS MOTION/PLEADING  
AS SHOWN ON THE CERTIFICATE OF SERVICE. (SEE L.B.R. 9013-1B.,  
9061-1 B.) THE RESPONSE MUST BE IMMEDIATELY SERVED UPON THE  
UNDERSIGNED AND UPON ALL ENTITIES DESCRIBED IN L.B.R. 9013-1 A.  
THE COURT MAY GRANT THE MOTION UPON EXPIRATION OF THE RESPONSE  
PERIOD IF NO RESPONSE IS FILED.

IF A RESPONSE IS FILED, THE MOVANT, APPLICANT OR CLAIM  
OBJECTOR SHALL SET THE MATTER FOR HEARING AND PROVIDE NOTICE  
THEREOF TO THE RESPONDENT AND ALL ENTITIES DESCRIBED IN L.B.R.  
9013-1 A.

Comes now Debtors, Chistopher and Brittney Robotham, by and  
through their attorney, pursuant to Local Rule 9013-1, and move  
this Honorable Court to approve the settlement of the Debtor's  
Fair Debt Collection Practices Act Claim, and to allow Debtors  
to retain settlement funds, and as grounds for said motion,  
state as follows:

1. That this Court has jurisdiction under the provisions  
of 28 U.S.C. sections 1334, 151, 157(a).

2. That by virtue of 28 U.S.C. section 157(b)(2)(E) this is a core proceeding.

3. Debtors filed this Chapter 13 case with the Court on September 24, 2019.

4. Debtors' plan was ordered confirmed on February 20, 2020.

5. On February 21, 2020, Debtor Chris Robotham filed a lawsuit for alleged violations of the Fair Debt Collection Practices Act allegedly occurring on or about October 31, 2019, in the case *Chris Robotham v. Recovery Management Solutions, LLC*, Saint Louis County Circuit Court, Associate Division case number 20SL-AC05838.

6. Debtor was represented by the undersigned law firm, Pontello & Bressler, LLC in the aforementioned claim.

7. Debtor has reached a settlement agreement with the alleged tortfeasor, in the amount of \$3,500.00.

8. Pursuant to the retainer agreement between Debtor and Pontello & Bressler, LLC, Debtor is to receive the first thousand dollars, which is the maximum amount of statutory damages available under the FDCPA § 1692(k), minus the costs of the case, with the remaining settlement balance to go to attorney's fees.

9. Pontello & Bressler, LLC expended a total of \$55.25 in costs in bringing the claim, comprised of court filing costs.

10. Thus, under the terms of the retainer agreement between Debtor and Pontello & Bressler, LLC, Debtor is to receive settlement proceeds in the amount of \$944.75.

11. Pontello & Bressler, LLC is in possession of the settlement funds, in the amount of \$3,500.00, held in trust.

12. The Debtors desire to keep the \$944.75 of settlement proceeds to help pay for necessary home repairs. (See attached statement).

13. Approving the settlement agreement and allowing Debtors to retain settlement funds will not be to the detriment of any of the Debtors' Chapter 13 creditors.

WHEREFORE, Debtors pray this Court enter an Order granting Debtors' Motion to Approve Settlement and to Retain Settlement Funds, and for such other relief as the Court deems necessary and proper.

RESPECTFULLY SUBMITTED,

PONTELLO & BRESSLER, LLC

/s/Dominic Pontello  
Dominic M. Pontello, 60947MO  
406 Boones Lick Rd.  
St. Charles, MO 63301  
(636) 896-4170  
(636) 246-0141 Fax  
dominic@pontellolaw.com

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of Debtors' Motion to Approve Settlement and to Retain Settlement Funds was mailed to all parties who have NOT BEEN ELECTRONICALLY NOTIFIED, including the Debtors, this 6<sup>th</sup> Day of August, 2020.

/s/ Dominic Pontello

Mrs. Diana S. Daugherty. (via ecf only)  
Chapter 13 Trustee  
P.O. Box 430908  
St. Louis, Missouri 63143

Christopher and Brittney Robotham  
33 E. Cardigan Dr  
St. Louis, MO 63135

All creditors on the attached matrix.

/s/ Dominic Pontello  
Dominic Pontello

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

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Christopher & Brittney )  
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Debtors-Movants, ) Debtors' Motion to Approve  
) Settlement and Retain  
) Settlement Funds  
vs. )  
)  
DIANA S. DAUGHERTY., ) Motion # \_\_\_\_\_  
Respondent. )

**EXHIBIT SUMMARY**

Pursuant to L.R. 9040-1, the following exhibits are referenced in support of Debtors' Motion to Approve Settlement and Retain Settlement Funds. Copies of these exhibits will be provided as required by Local Rules:

1. Work Estimate from St. Louis Roofing & Exteriors in the amount of \$1,775.00 for the repair of a patio roof and sagging decking.

RESPECTFULLY SUBMITTED,

/s/Dominic Pontello  
Dominic M. Pontello, 60947MO  
406 Boones Lick Rd.  
St. Charles, MO 63301  
(636) 896-4170  
(636) 246-0141 Fax  
dominic@pontellolaw.com

7/29/2020

Estimate for Chris Robotham of 29 Jul 2020.pdf



**314-244-3799**

**www.stlroof.com**

11150 Lindbergh Business Ct  
Ste. 111 St Louis, MO 63123

*The Roofers that Call You Back*

**Customer:** Chris Robotham

**Address:** 33 E Cardigan Dr, Ferguson, MO 63135,  
USA

**Date:** 29-Jul-2020

**Email:** chris.robotham@gmail.com

Qty	Unit	Item name	Unit price	Subtotal
1	EA	Repair patio roof and sagging decking	\$1,775.00	\$1,775.00
		<b>Subtotal</b>		<b>\$1,775.00</b>
		<b>Total</b>		<b>\$1,775.00</b>

**We Propose** hereby to furnish material and labor - complete in accordance with above specifications.

**Acceptance of Proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. St. Louis Roofing & Exteriors is authorized to do the work as specified. Payment will be made as outlined above. All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation insurance. The terms and specifications stated herein and special conditions page are hereby accepted.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Account Resolution Cor  
700 Goddard Ave  
Chesterfield, MO 63005

Fed Loan Serv  
Po Box 60610  
Harrisburg, PA 17106

Americollect Inc  
Po Box 1566  
Manitowoc, WI 54221

Fedloan  
Po Box 60610  
Harrisburg, PA 17106

Amex  
Po Box 297871  
Fort Lauderdale, FL 33329

I.C. System, Inc  
Po Box 64378  
Saint Paul, MN 55164

Ar Resources Inc  
1777 Sentry Pkwy W  
Blue Bell, PA 19422

Illinois Department of Revenue  
101 W Jefferson St  
Springfield, IL 62702

Arsenal Credit Union  
3780 Vogel Rd  
Arnold, MO 63010

Internal Revenue Service  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Capital One Bank Usa N  
15000 Capital One Dr  
Richmond, VA 23238

Jpmcb Card  
Po Box 15298  
Wilmington, DE 19850

Commerce Bk  
Po Box 411036  
Kansas City, MO 64141

Kay Jewelers  
PO Box 740425  
Cincinnati, OH 45274

Consumer Adjustment Company  
12855 Tesson Ferry Rd  
Saint Louis, MO 63128

Kay Jewelers  
375 Ghent Rd  
Fairlawn, OH 44333

Convergent Outsourcing  
800 Sw 39th St  
Renton, WA 98057

Kay Jewelers/Genesis  
15220 Nw Greenbrier, Ste  
Beaverton, OR 97006

Direct TV  
PO Box 105503  
Atlanta, GA 30348

Macys/Dsnb  
Po Box 8218  
Mason, OH 45040

Discover Fin Svcs Llc  
Po Box 15316  
Wilmington, DE 19850

Mca Mgmnt Co  
2797 High Ridge Bl  
High Ridge, MO 63049

Enhanced Recovery Co L  
8014 Bayberry Rd  
Jacksonville, FL 32256

Medical Payment Data  
PO Box 94498  
Las Vegas, NV 89193-4498

Miller & Steeno, PC  
11970 Borman Dr  
Saint Louis, MO 63146

Vantage Credit Union  
4020 Fee Fee Rd  
Bridgeton, MO 63044

Missouri Department of Revenue  
301 W High St  
Jefferson City, MO 65101

Verizon Wireless  
Po Box 650051  
Dallas, TX 75265

Missouri Department of Revenue/Bankruptcy Uni  
P.O. Box 475  
301 W. High Street  
Jefferson City, MO 65105-0475

Wakefield & Associates  
7005 Middlebrook Pike  
Knoxville, TN 37909

Mohela/Sofi  
633 Spirit Dr  
Chesterfield, MO 63005

Oneadvantage  
7650 Magna Drive  
Belleville, IL 62223

PayPal Credit  
2211 North First Street  
San Jose, CA 95131

Quicken Loans  
1056 Woodward Ave  
Detroit, MI 48226

Royal Furn  
Po Box 3784  
Memphis, TN 38103

U S Dept Of Ed/Gsl/Atl  
Po Box 4222  
Iowa City, IA 52244

US Attorney - Eastern District of Missouri  
Thomas Eagleton U.S. Courthouse  
111 S. 10th Street, 20th Floor  
Saint Louis, MO 63102

Us Dep Ed  
Po Box 5609  
Greenville, TX 75403

Us Dept Ed  
Po Box 7202  
Utica, NY 13504-7202